IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.296 OF 2007

Vilasrao Kashinath Deshmukh ..Petitioner.
Vs.
Netaji Subhashchandra Bose Shikshan
Prasarak Mandal, Kasegaon & Anr. ..Respondents.

Mr.Surel S. Shah, adv. for the Petitioner.

Mr.Vaibhav Patankar h/for Mr.Bubla, advs. for the Respondent Nos.1 and 2.

CORAM : J.H.BHATIA, J.
DATE : AUGUST 24, 2007.

P.C.:

1. Heard the learned counsel for the Petitioner.

2. Perused the impugned orders passed by the learned IIIrd Joint Civil Judge Junior Division, Solapur rejecting the application for temporary injunction filed by the petitioner and the impugned judgment of Ad-hoc District Judge-7, Solapur dismissing the appeal against the said order.

3. The petitioner was serving as headmaster and principal of Adarsha Markandeya Prashala and Shankarrao Mohite Patil Junior College, Majarewadi, Solapur run by the respondents. He was transferred from Majarewadi to Barrister Babasaheb Bhosale Prashala, Kasegaon as per the order dated 1-4-2006 passed by the respondent no.2.

Contending that the said order of transfer was illegal, malafide and just to harass him, the petitioner filed a suit seeking perpetual injunction. In the suit he also filed an application for temporary injunction restraining the respondents from transferring him from Majarewadi to Kasegaon. The application for temporary injunction was rejected. His appeal was also dismissed. The District Judge, Solapur has mentioned in detail the documents relied upon by the respondents to show that the petitioner was not complying with the legitimate directions issued by the management. Record reveals that he had not complied with the directives given by the management and he was transferred on administrative ground. After going through the impugned orders, I find that two Courts below have given concurrent findings that he was transferred on administrative ground, therefore, it is not desirable for the Court to interfere in the administrative decision of the management. After going through the said record, I do not find that it is a fit case to interfere in the writ jurisdiction under Article 227 of the Constitution of India.

4. Petition stands dismissed summarily. However, I make it clear that any observations made by the two Courts below or by this Court in the present order shall not be taken into consideration while deciding

the suit filed by the petitioner and it should be decided on its own merits. On request made by the learned counsel for the petitioner, status-quo to continue for further two weeks.

[J.H.BHATIA, J.]